

Response

Applicant: Michael R. Krause et al.

Serial No.: 09/980,759

Filed: April 11, 2002

Docket No.: 10002164-2/H300.132.101

Title: RELIABLE DATAGRAM TRANSPORT SERVICE

REMARKS

The following remarks are made in response to the Office Action mailed February 24, 2006. Claims 1-20 were rejected. With this Response, no claims have been amended. Claims 1-20 remain pending in the application and are presented for reconsideration and allowance.

37 C.F.R. § 1.105 Request for Information

The Examiner requested under 37 C.F.R. § 1.105 that Applicant provide the following information that the Examiner has determined is reasonably necessary to the examination of this application: the Future IO Specification Published May 3, 1999; any other Future IO specification documents that published prior to Applicants' priority date; and identify the sections of the published IO specification of particular relevance to Applicant's claimed invention.

As indicated by inventor Michael R. Krause in the Affidavit in response to 37 C.F.R. § 1.105-Request for Information filed herewith and Exhibit A of the Affidavit which is the Future IO Specification Table I revision history, the following are releases of the Future IO specification prior to the Present Application priority date of May 24, 1999. Revision 0.00 was released on May 3, 1999. Revision 0.00a was released on May 6, 1999. Revision 0.01 was released on May 21, 1999. The Future IO Specification Revisions 0.00, 0.00a, and 0.01 were released on the respective dates as non-public documents. These releases were not public and were only provided to authors of the Future IO specification. Therefore, there were no public releases or publications of the Future IO specification prior to the Present Application priority date of May 24, 1999.

Therefore, Applicants respectfully requests that the Examiner's Request for Information under 37 C.F.R. § 1.105 be withdrawn and that pending claims 1-20 be allowed.

Claim Rejections under 35 U.S.C. § 102

The Examiner rejected claims 1-20 under 35 U.S.C. § 102(a) as being anticipated by the Future I/O Specification published May 21, 1999.

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As indicated above, the Future I/O Specification Revision 0.01 released on May 21, 1999 and Revision 0.00 released on May 3, 1999 and Revision 0.00a released on May 6, 1999 were all released on their respective dates as non-public documents. Therefore, there were no public releases or publications of the FIO Specification prior to the present application priority date of May 24, 1999.

Therefore, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. § 102(b) rejection to claims 1-20, and request allowance of these claims.

CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-20 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-20 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(h)(i). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 08-2025.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

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Any inquiry regarding this Response should be directed to either Patrick G. Billig at Telephone No. (612) 573-2003, Facsimile No. (612) 573-2005 or Kevin Hart at Telephone No. (970) 898-7057, Facsimile No. (970) 898-7247. In addition, all correspondence should continue to be directed to the following address:


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Respectfully submitted,

Michael R. Krause et al.,

By their attorneys,

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Patrick G. Billig
Reg. No. 38,080**CERTIFICATE UNDER 37 C.F.R. 1.8:**

The undersigned hereby certifies that this paper or papers, as described herein, are being transmitted via facsimile to Facsimile No. (571) 273-8300 on this 15 day of June, 2006.

By: 
Name: Patrick G. Billig